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September 12th, 2022

To: The Hon. Lorna Schofield
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007
via ECF

Re: Response to Defendant's Request for Pre-Motion Conference, Corbett v. Hochul, 1:22-CV-5867 (LGS) (SDA)

Dear Judge Schofield:

By order dated September 7th, 2022 (ECF No. 20), the Court has asked Plaintiff to respond to Defendant's letter requesting a pre-motion conference on a motion to dismiss (ECF No. 19). Plaintiff herein obliges.

A motion for preliminary injunction is partially briefed before the Court, and Defendant has made clear its position that Plaintiff's case will be unsuccessful because: 1) he has sued the wrong party, and 2) the challenged laws are constitutional because they simply seek to keep dangerous people from accessing guns. As to the first, Plaintiff does not believe he has sued the wrong party; however, contemporaneous with the filing of this letter, he files a First Amended Complaint naming additional defendants who, between them, are unquestionably the right party. As to the second, Defendant offered over 150 pages to put forth the proposition that laws that keep dangerous people from getting guns are constitutional. However, this is not the standard set forth by the U.S. Supreme Court in *Bruen*.

Plaintiff's full response to Defendant's opposition is due in 1 week, and a hearing on the matter is scheduled in about 3 weeks. Resolution of Plaintiff's motion will almost certainly resolve all of the issues Defendant seeks to raise in their motion to dismiss. Plaintiff respectfully suggests that their motion to dismiss, should Defendant still wish to file it, should be calendared for *after* the motion for preliminary injunction is decided to avoid duplicative briefing. Plaintiff also intends to object to Defendant's request to stay discovery pending their motion; discovery in this case will be quite limited and there is no reason it cannot begin now.

Respectfully,

/s/Jonathan Corbett

Jonathan Corbett, Esq.

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